IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7660 OF 2003

Amit Ashok Marle & Ors.. ... Petitioners.

Versus

The Maharashtra State Financial Corporation. ... ... Respondents.

Mr. Amit Borkar for the Petitioners.

None for the Respondents.

CORAM : S. A. BOBDE, J.

DATED : JANUARY 18, 2005.

P.C.:

By this petition an order dated 30th August, 2003 passed by the Additional District Judge, Kolhapur, condoning the delay and setting aside the abatement is challenged. The delay that is condoned is of a period of about nine months. The petitioners have been sued by way of Misc. Petition No. 62 of 1992 by the Maharashtra State Financial Corporation under Sections 31 and 32 of the State Financial Corporation Act, 1951 for recovery of an amount of Rs.12,69,691.05. Apparently, the original Defendant No.4 expired. According to the petitioners, respondents' petition

stood abated on 31st August, 2001. The respondents on 18th October, 2002 filed an application for setting aside the order of abatement and to bring the legal representatives on record.

2. The Additional District Judge has granted the said application for condonation of delay having regard to the averments made therein and set aside the abatement by taking liberal attitude having regard to the fact that the respondent is a public financial institution which has financed the petitioners. In fact the court has compensated the inconvenience caused to the petitioners by awarding costs.

3. Having regard to the over all circumstances, I see no merit in this petition, which is hereby dismissed.

Sd/-

S. A. BOBDE, J.